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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
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13 CISCO SYSTEMS, INC., CISCO
TECHNOLOGY, INC. and CIENA
14 CORPORATION,

15 Plaintiffs,

16 v.

17 SHENZHEN USOURCE TECHNOLOGY CO.;
SHENZHEN WAREX TECHNOLOGIES CO.,
18 LTD.; and
WAREX TECHNOLOGIES LIMITED,
19

20 Defendants.
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Case No. 5:20-cv-04773-EJD

~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION

~~**[PROPOSED] ORDER**~~

On July 20, 2020, upon a motion by Plaintiffs Cisco Systems, Inc. and Cisco Technology, Inc. (collectively, “Cisco”) (*see* ECF No. 9), the Court issued a Temporary Restraining Order (“TRO”) and an Order to Show Cause (“OSC”) why a preliminary injunction should not also be issued enjoining Defendants and their owners, principals, agents, officers, directors, members, servants, employees, successors, assigns, and all other persons in concert and participation with them (collectively, the “Restrained Parties”) from actions relating to their alleged counterfeiting and infringement of Cisco’s trademarks, among other things, and enjoining financial institutions, eCommerce websites, domain name registrars, Internet search engines, and common carriers (collectively, “Third Parties”) from providing related services to Defendants, among other things. *See* ECF No. 12, attached and incorporated herein as **Exhibit A**. In compliance with such Order, on July 29, 2020, Cisco served Defendants by email with, among other things, the Complaint, Cisco’s Motion and supporting papers, and the Court’s TRO and OSC as to Cisco, including notice of the requirement that Defendants respond to the OSC by August 7, 2020 and notice of the hearing set for August 13, 2020. (*See* ECF No. 24).

On August 10, 2020, upon a motion by Plaintiff Ciena Corporation (“Ciena”) (*see* ECF No. 17–8), the Court issued a TRO and OSC why a preliminary injunction should not also be issued enjoining Defendants and their owners, principals, agents, officers, directors, members, servants, employees, successors, assigns, and all other persons in concert and participation with them (collectively, the “Restrained Parties”) from actions relating to their alleged counterfeiting and infringement of Ciena’s trademarks, among other things, and enjoining financial institutions, eCommerce websites, domain name registrars, Internet search engines, and common carriers (collectively, “Third Parties”) from providing related services to Defendants, among other things. *See* ECF No. 23, attached and incorporated herein as **Exhibit B**. In compliance with such Order, on August 10, 2020, Ciena served Defendants by email with, among other things, the Amended Complaint, Ciena’s Motion and supporting papers, and the Court’s TRO and OSC as to Ciena, including notice of the requirement that Defendants respond to the OSC by August 11, 2020 and further notice of the hearing set for August 13, 2020. (*See* ECF No. 25)

1 Despite receiving notice of the requirement to respond to the OSCs, Defendants filed no
2 response to either.

3 The Court held a hearing on the OSCs on August 13, 2020, at which Plaintiffs were
4 represented by Patrick Ryan, Stephen Steinberg, and Gabriella Wilkins. Despite receiving notice
5 of the hearing, Defendants failed to appear.

6 Having considered Cisco's and Ciena's Motions and Memoranda in support thereof (*see*
7 ECF Nos. 9, 17–8), the Declarations of the First, Second, and Third Witnesses in Support of
8 Cisco's Motion and exhibits thereto (*see* ECF Nos. 9–1, 9–2, 9–3, 10–2, 10–3, 10–4, 10–7, 10–8),
9 the Declarations of the First, Second, and Third Witnesses in Support of Ciena's Motion and
10 exhibits thereto (*see* ECF Nos. 17–10, 17–12, 17–14, 19–2, 19–5, 19–6), and the arguments by
11 Plaintiffs' counsel at the hearing on the OSCs on August 13, 2020, and the hearing on the first
12 TRO on July 20, 2020, the Court hereby affirms its prior findings of fact and legal conclusions set
13 forth in the Court's TROs. *See* ECF Nos. 12, 23, attached and incorporated herein as **Exhibits A,**
14 **B.** Thus, for the reasons set forth in the Court's TROs, the Court hereby issues a preliminary
15 injunction enjoining the Restrained Parties and the Third Parties as set forth in the TROs, pending
16 entry of the final judgment in this action.

17 IT IS SO ORDERED.

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19 DATED: August 17 , 2020


United States District Court Judge